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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,764	04/10/2001	Mark Wycherley	NC32046	9595

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EXAMINER

DEAN, RAYMOND S

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 02/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/829,764

Applicant(s)

WYCHERLEY ET AL.

Examiner

Raymond S Dean

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 7 and 9 - 16 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1 – 3, 7, and 10 – 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Andrews (5,911,121).

Regarding Claim 1, Andrews teaches a removable housing cover adapted to be detachably connectable to a portable radio communication device with a plurality of operating characteristics, the removable housing cover comprising: an identity means (Figure 2, Column 3 lines 5 – 10, Column 3 lines 24 – 40, program selector is the identity means); and the portable radio communication device comprising: a sensor for sensing the identity means of the removable cover (Figure 2, Column 3 lines 32 – 37, the detection circuit is the sensor); and a processor for controlling the operating characteristics of the device, the arrangement being such that in use the removable housing cover is mounted on the portable radio communication device and the sensor senses the identity means and outputs a sensed parameter of the identity means to the processor, wherein the processor is responsive to the sensed parameter so as to change selected ones of the operating characteristics of the portable radio communication device (Column 3 lines 24 – 40).

Regarding Claim 2, Andrews teaches all of the claimed limitations recited in Claim 1. Andrews further teaches a removable housing cover wherein the portable radio communication device is provided with a plurality of pre-defined and pre-stored operating characteristic configurations, and the processor is operable to change the operating characteristics of the portable radio communication device by selecting one of the predefined and pre-stored configurations in accordance with a corresponding pre-defined sensed parameter of the identity means (Column 3 lines 24 – 40).

Regarding Claim 3, Andrews teaches all of the claimed limitations recited in Claim 2. Andrews further teaches a removable housing cover wherein the identity means causes the processor to change the operating characteristics of the portable radio communication device by selecting one or more of the plurality of operating characteristics pre-defined and pre-stored on the portable radio communication device (Column 3 lines 24 – 40).

Regarding Claim 7, Andrews teaches all of the claimed limitations recited in Claim 1. Andrews further teaches a removable housing cover wherein the identity means comprises one or more mechanical pegs and the sensor comprises contacts operable to sense the presence or absence of pre-defined combinations of said one or more pegs (Figure 3, Figure 4, Column 3 lines 41 – 67, Column 4 lines 1 – 22, the jumper pins are the pegs).

Regarding Claim 10, Andrews teaches all of the claimed limitations recited in Claim 1. Andrews further teaches a removable housing cover wherein the operating characteristics of the portable radio communication device comprise one or more of:

ring tones and/or musical alerts; animations/screen savers; mode; bookmarks and/or browser preferences; phone memory preferences; games and/or game elements; UI screen colors and/or UI style; input method; audio set-up; default messages; display language; agents and/or agent set-up; security keys; push message filters and/or accounts; enabling of set-up and/or configuration settings; sensor weighting; outgoing call restrictions (Column 5 lines 24 – 67, Column 6 lines 1 – 8, Column 6 lines 58 – 67, Column 7 lines 1 – 27, musical alerts fall under the category of the alert feature).

Regarding Claim 11, Andrews teaches a housing cover for a portable radio communication device with a sensor, the housing cover comprising: an attaching means for removably attaching the cover to the portable radio communication device; an identity means, such that, when the housing cover is mounted on the portable radio communication device, the identity means is coupled with the sensor of the portable radio communication, wherein the internal functionality of the portable radio communication device is dependent on the identity means (Figure 2, Column 3 lines 5 – 10, Column 3 lines 24 – 67, Column 4 lines 1 – 22, the program selector is the identity means, the detection circuit is the sensor, since the front cover or face plate is detachable there is an inherent attaching means).

Regarding Claim 12, Andrews teaches all of the claimed limitations recited in Claim 11. Andrews further teaches a housing cover wherein the identity means has associated with it a profiles setting indicative of a predefined operation state of the device, such that mounting the cover on a portable radio communications device

changes the profiles setting of the device in accordance with the profile setting associated with the cover (Column 3 lines 24 – 40).

Regarding Claim 13, Andrews teaches all of the claimed limitations recited in Claim 12. Andrews further teaches a housing cover wherein a selected removable cover having an associated profiles setting is in use located on the portable radio communication device and controls the operating characteristics of the portable radio communication device so as to be set to the corresponding profiles setting (Column 3 lines 24 – 40).

Regarding Claim 14, Andrews teaches all of the claimed limitations recited in Claim 1. Andrews further teaches a removable housing cover wherein the removable cover carries indicia and graphics thereon, and the removable housing cover covers all or a part of the radio communication device (Figure 2, Figure 6, Figure 8, there are graphics and indicia).

Regarding Claim 15, Andrews teaches a portable radio communication device having a removable housing cover, the portable radio communication device comprising: a sensor (Figure 2, Column 3 lines 5 – 10, Column 3 lines 24 – 40, the detection circuit is the sensor); and a processor for controlling the operating characteristics of the device, and the removable housing cover comprising an identity means, the removable housing cover being configured to be mounted on and attached to the portable radio communication device, in which arrangement the sensor of the portable radio communication device is operable to sense the identity means of the removable housing cover and provide an input to the processor of a sensed feature of

the identity means, such that the processor is controlled to alter one or more of the operating characteristics in accordance with the sensed feature of the identity means (Column 3 lines 24 – 67, Column 4 lines 1 – 22, the program selector is the identity means).

Regarding Claim 16, Andrews teaches all of the claimed limitations recited in Claim 15. Andrews further teaches a portable radio communication device wherein the portable radio communication device includes a plurality of the pre-defined operating characteristics each of said operating characteristics being associated with a corresponding profiles setting, and wherein a plurality of removal covers are associated with respective profiles setting, such that installation of a removable cover on the portable radio communication device activates the corresponding profiles setting (Column 3 lines 24 – 40).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews (5,911,121) in view of Hoshino (US 6,285,891 B1).

Regarding Claim 4, Andrews teaches all of the claimed limitations recited in Claim 1. Andrews further teaches a removable housing cover comprising an identity means and a portable communications device comprising a sensor for sensing the identity means of said removable housing cover whereby the identity means causes the processor to change the operating characteristics of the portable radio communication device by selecting one or more of the plurality of said operating characteristic configurations (Figure 2, Column 3 lines 5 – 10, Column 3 lines 24 – 40).

Andrews does not specifically teach an identity means that is provided with a plurality of pre-defined and pre-stored operating characteristic configurations for the portable radio communication device and a sensor that comprises a reader for reading said operating characteristics of said identity means.

Hoshino teaches a storage means for storing pre-defined and pre-stored operating characteristic configurations for a portable radio communication device and a reader for reading said operating characteristics (Column 3 lines 34 – 47, the mode selector is the reader and it obtains the pre-stored configurations from the operation condition storing unit such that the proper mode will be selected).

Andrews and Hoshino both teach portable radio communications devices thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to make a design preference and use the storage unit and mode selector of Hoshino in the portable radio communications device of Andrews as an alternative means for selecting one or more of a plurality of operating characteristic configurations for said portable radio communications device.

Regarding Claim 9, Andrews teaches all of the claimed limitations recited in Claim 1. Andrews does not specifically teach an identity means that comprises a memory or processor chip and a sensor that comprises a reader for reading said memory or processor chip.

Hoshino teaches a memory and a reader for reading said memory (Column 3 lines 34 – 47, since this is a storage unit there is an inherent memory, the mode selector is the reader and it obtains the pre-stored configurations from the operation condition storing unit such that the proper mode will be selected).

Andrews and Hoshino both teach portable radio communications devices thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to make a design preference and use the storage unit and mode selector of Hoshino in the portable radio communications device of Andrews as an alternative means for selecting one or more of a plurality of operating characteristic configurations for said portable radio communications device.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews (5,911,121) in view of Hall et al. (US 6,356,543 B2).

Regarding Claim 5, Andrews teaches all of the claimed limitations recited in Claim 1. Andrews does not specifically teach an identity means that allows the portable radio communication device to access a pre-determined server or network and to download therefrom data comprising operating characteristic configurations for the portable radio communication device.

Hall teaches a method of allowing a portable radio communication device to access a pre-determined server or network and to download therefrom data comprising operating characteristic configurations for said portable radio communication device (Figure 1, Column 1 lines 42 – 56, Column 3 lines 13 – 67, Column 4 lines 1 – 15).

Andrews and Hall both teach portable radio communications devices thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to make a design preference and use the downloading method taught in Hall in the portable radio communications device of Andrews as an alternative means for providing one or more of a plurality of operating characteristic configurations for said portable radio communications device.

Regarding Claim 6, Andrews in view of Hall teaches all of the claimed limitations recited in Claim 5. Andrews does not specifically teach a pre-determined server or network that corresponds to an Internet website.

Hall teaches a pre-determined server or network that corresponds to an Internet website (Figure 1, Column 3 lines 13 – 48).

Andrews and Hall both teach portable radio communications devices thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to make a design preference and use the downloading from the world wide web method taught above in Hall in the portable radio communications device of Andrews as an alternative means for providing one or more of a plurality of operating characteristic configurations for said portable radio communications device.

Allowable Subject Matter

6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Regarding Claim 8, Andrews teaches an identity means that has pins or pegs that are electrically coupled to the electrical contacts of a detection circuit or sensor but the prior art of record fails to specifically show an identity means that comprises an electrical resistance means and a sensor comprising a potential divider operable to sense the electrical resistance means.

Conclusion

7. Any inquiry concerning this communication should be directed to Raymond S. Dean at telephone number (703) 305-8998.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231


Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

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Art Unit: 2684

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Hand – delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to
the status of this application or proceeding should be directed to the Technology Center
2600 Customer Service Office whose telephone number is (703) 306-0377


Primary Examiner

